

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 00-40282
Conference Calendar

KEVIN WAYNE HARRIS,

Plaintiff-Appellant,

versus

PEREZ, Warden, Et Al.,

Defendants,

JOHN DOE; LINDA ALMAGUER, Correctional
Officer III; JOHN L. MEILLER, Sergeant;
SAUL BALDERAS,

Defendants-Appellees.

Appeal from the United States District Court
for the Southern District of Texas
USDC No. C-97-CV-522

December 14, 2000

Before DAVIS, STEWART, and PARKER, Circuit Judges.

PER CURIAM:*

Kevin Wayne Harris, Texas prisoner # 663507, appeals the magistrate judge's grant of summary judgment for defendants Balderas and Meiller in this 42 U.S.C. § 1983 action. His motion for appointment of counsel is DENIED. Harris has not adequately briefed any argument relating to the district court's grant of

* Pursuant to 5TH CIR. R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR. R. 47.5.4.

summary judgment. See Grant v. Cuellar, 59 F.3d 523, 524 (5th Cir. 1995).

Harris' appeal is without arguable merit and is frivolous. Accordingly, the appeal is DISMISSED. 5TH CIR. R. 42.2. The dismissal of this appeal as frivolous counts as a "strike" for purposes of 28 U.S.C. § 1915(g). We caution Harris that once he accumulates three strikes, he may not proceed in forma pauperis (IFP) in any civil action or appeal filed while he is incarcerated or detained in any facility unless he is under imminent danger of serious physical injury. See 28 U.S.C. § 1915(g).

MOTION DENIED; APPEAL DISMISSED AS FRIVOLOUS.